

On May 23, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9387. Adulteration and misbranding of Crescent Brand vanilla flavoring substitute and Crescent Brand lemon flavoring substitute. U. S. \* \* \* v. 33 Dozen Bottles of \* \* \* Crescent Brand Vanilla Flavoring Substitute and 4 Dozen Bottles of \* \* \* Crescent Brand Lemon Flavoring Substitute. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14839, 14840. I. S. Nos. 7874-t, 7875-t. S. No. E-3339.)

On May 4, 1921, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 33 dozen bottles of Crescent Brand vanilla flavoring substitute, and 4 dozen bottles of Crescent Brand lemon flavoring substitute, remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the articles had been shipped on or about January 12 and February 7, 1921, respectively, by the Charles L. Heinle Specialty Co., Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the articles was alleged in the libels for the reason that a substance, to wit, in the case of the vanilla substitute, a dilute aqueous solution of vanillin and saccharin, and in the case of the lemon flavoring substitute, an aqueous solution containing little or no lemon oil, had been mixed and packed therewith, so as to reduce and lower and injuriously affect the quality and strength of said articles, and had been substituted wholly or in part therefor, and for the further reason that said articles had been mixed and colored in a manner whereby damage or inferiority was concealed. Adulteration with respect to the vanilla flavoring substitute was alleged for the further reason that it contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding of the articles was alleged for the reason that the statements on the labels, "Vanilla Flavoring Substitute Cont. 8 Fl. Drams," and "Lemon Flavoring Substitute," were false and misleading and deceived and misled the purchaser, and for the further reason that each of said articles was an imitation of, and offered for sale under the distinctive name of, another article. Misbranding was alleged with respect to the vanilla flavoring substitute for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement of the quantity thereon was not correct.

On May 27, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**9388. Adulteration and misbranding of Buckeye Good Cottonseed Meal. U. S. \* \* \* v. Imperial Cotto Sales Co., a Corporation. Plea of guilty. Fine, \$200 and costs.** (F. & D. No. 13238. I. S. Nos. 7076-r, 7077-r, 7078-r, 7079-r, 7080-r.)

On January 24, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information in ten counts against the Imperial Cotto Sales Co., a corporation, Chicago, Ill., alleging

shipment by said company, in violation of the Food and Drugs Act, on or about December 20, 1918, from the State of Mississippi into the State of Illinois, and thence into the State of Iowa, of quantities of Buckeye Good Cottonseed Meal, which in each of five shipments was adulterated and misbranded.

Analyses of samples of the article from each shipment by the Bureau of Chemistry of this department showed that it was low in protein and ammonia and high in crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for cottonseed meal, which the article purported to be.

Misbranding was alleged for the reason that the following statements, to wit, "Cottonseed Meal," and "Guaranteed Analysis Protein 36% \* \* \* Ammonia 7% Fibre 14%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented to the purchaser that the article was cottonseed meal, and that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal, and that it contained not less than 36 per cent of protein, not less than 7 per cent of ammonia, and not more than 14 per cent of fiber, whereas, in truth and in fact, it was not cottonseed meal, but was a mixture of cottonseed meal and cottonseed hulls, and it contained less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of fiber.

On May 10, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**9389. Adulteration and misbranding of ground marjoram. U. S. \* \* \* v. 3 Barrels of Ground Marjoram. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14600. I. S. No. 3207-t. S. No. C-2861.)

On March 10, 1921, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 barrels of ground marjoram, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped on or about November 30, 1920, by the Van Camp Packing Co., Indianapolis, Ind., and transported from the State of Indiana into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of sand and grit.

Misbranding was alleged for the reason that the statement, "Ground Marjoram," appearing on the label, was false and misleading and deceived and misled the purchaser into the belief that the product consisted wholly of ground marjoram, whereas, in truth and in fact, it consisted in part of added sand and grit.

On April 29, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*